

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

07 CIV 8430

AVGRAPHICS, INC., JEAN PIERRE AZOULAY AND
DARIA MCDERMOTT,

Plaintiff(s),

-against-

AFFIDAVIT OF SERVICE
OF AMENDED SUMMONS
AND AMENDED COMPLAINT

NYSE GROUP, INC., (successor in interest to New York Stock Exchange, Inc.,) JOHN GREGORETTI, TONY WALENTY, SAN COCOZZA, MARGARET DeB. TUTWILER, JOHN THAIN, individually and as employees of NYSE GROUP INC., ANTHONY WILSON a/k/a TONY WILSON, DANA GREGORETTI AND E-TRADE SECURITIES, LLC, Defendants.

STATE OF NEW YORK, COUNTY OF NASSAU SS.:

JOHN MICHAEL DEVITO, being duly sworn deposes and says: that deponent is not a party to his action, is over 18 years of age and resides at Farmingdale, NY 11735. That on January 24, 2008 at 2:30 p.m. at 11 Wall Street, New York, New York, deponent served the within Amended Summons and Amended Complaint on defendant JOHN THAIN, therein named.

1. INDIVIDUAL by delivering a true copy of *each* to said defendants personally; deponent knew the person so served to the person described as said defendant therein.

2. CORPORATION a domestic corporation, by delivering thereat a true copy of *each* to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be AUTHORIZED TO ACCEPT thereof

3. X SUITABLE AGE PERSON by delivering thereat a true copy of *each* to a person of suitable age discretion. Said premises is defendant's - actual place of business - dwelling house - usual place of abode - within the state.

4. AFFIXING TO DOOR, ETC. by affixing a true copy of *each* to the door of said premises, which is defendant's - actual place of business - dwelling house - usual place of abode - within the state. Deponent was unable with due diligence to find defendant or a person of suitable age and discretion, thereat having called there

MAILING use with 3 or 4 (if applicable) Deponent also enclosed a copy of same in a prepaid sealed wrapper properly addressed to defendant at defendant's last known residence, at and deposited said wrapper in - a post office - depository under exclusive care and custody of the United States Postal Service within New York State.

MAILED IN AN ENVELOPE MARKED PERSONAL AND CONFIDENTIAL DESCRIPTION Deponent describes the individual served as follows:

1 or 3

<input type="checkbox"/> Male	<input type="checkbox"/> White Skin	<input checked="" type="checkbox"/> Black Hair	<input type="checkbox"/> 14-20 Yrs.	<input type="checkbox"/> Under 5'	<input type="checkbox"/> Under 100 lbs.
<input checked="" type="checkbox"/> X Female	<input type="checkbox"/> Black Skin	<input type="checkbox"/> Brown Hair	<input type="checkbox"/> 21-35 Yrs.	<input type="checkbox"/> 50" - 5"3"	<input checked="" type="checkbox"/> X 100-130 lbs.
	<input type="checkbox"/> Brown Skin	<input type="checkbox"/> Blond Hair	<input checked="" type="checkbox"/> 36-50 Yrs.	<input checked="" type="checkbox"/> X 5'4" - 5'8"	<input type="checkbox"/> 131-160 lbs.
	<input checked="" type="checkbox"/> X Glasses	<input type="checkbox"/> Gray Hair	<input type="checkbox"/> 51-65 Yrs.	<input type="checkbox"/> 5'9" - 6'0"	<input type="checkbox"/> 161-200 lbs.
		<input type="checkbox"/> Red Hair	<input type="checkbox"/> Over 65 Yrs.	<input type="checkbox"/> Over 6'	<input type="checkbox"/> Over 200 lbs.
		<input type="checkbox"/> White Hair			
		<input type="checkbox"/> Balding			

Sworn to before me on January 25, 2008

Rosemary A. Moran
ROSEMARY A. MORAN
Notary Public, State of New York
JANUARY 25, 2008
Queens County, New York
Commission Expires 4/21/2011

JOHN MICHAEL DEVITO